

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**RICHARD HOFFER,**

**Plaintiff,**

**- against -**

**CITY OF YONKERS, et al.,**

**Defendants.**

**ORDER**

**18CV1197 (LMS)**

**LISA MARGARET SMITH, U.S.M.J.<sup>1</sup>**

This case has had its scheduled trial adjourned without date, due to the circumstance of the coronavirus - COVID-19 stay at home order. For the same reason the Court is unable to hold jury trials in the immediate future. The earliest anticipated date for jury trials is expected to be in September or later. The Court does expect to be able to conduct bench trials in July and August, with the possibility of some witnesses appearing remotely by video. It is therefore ordered that counsel in this matter confer with one another as soon as reasonably possible to determine whether they would jointly consent to a bench trial. The parties should inform the Court by letter filed on ECF no later than June 19, 2020. If counsel do consent to a bench trial and would like to schedule a settlement conference, then contact the undersigned's chambers and the matter will be referred to a different Magistrate Judge for a settlement conference. If counsel do not consent to a bench trial and would like to schedule a settlement conference, then contact the undersigned's chambers to schedule such a conference. In any event, defendants have made efforts to file a motion *in limine*, but it was not successfully filed; therefore defendants shall

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<sup>1</sup> The parties have consented to the undersigned's exercise of jurisdiction over this matter pursuant to 28 U.S.C. § 636(c). Consent Order, ECF No. 43.

refile their motion within 30 days of the date of this Order; opposition will be due 21 days thereafter; replies will not be permitted. Defendants have partially submitted required pre-trial documents; all remaining pre-trial documents, from all parties, shall be filed with the Court 21 days before any scheduled trial dates.

This constitutes the Decision and Order of the Court.

Dated: May 12, 2020  
White Plains, New York

**SO ORDERED,**

A handwritten signature in black ink, reading "Lisa Margaret Smith". The signature is written in a cursive, flowing style.

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Lisa Margaret Smith  
United States Magistrate Judge  
Southern District of New York